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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Tariffs Implementing
Access Charge Reform

CC Docket No. 97-250

DOCKET FILE COPY ORIGINAL

RESPONSE TO MOTION TO STRIKE

The General Services Administration ("GSA") submits this Response to the Motion by BellSouth Telecommunications, Inc. ("BellSouth") to strike GSA's "Rebuttal Comments" filed with the Commission on behalf of the customer interests of all Federal Executive Agencies ("FEAs") on March 23, 1998.¹ In its Motion, BellSouth contends that GSA's "Rebuttal Comments" were not filed on a timely basis.

In its Designation Order for this proceeding, the Commission identified issues concerning computation of interstate access charges and Universal Service Fund ("USF") obligations.² The Commission also established dates for filing Direct Cases, Oppositions or Comments on Direct Cases, and Rebuttals. Direct Cases were to be filed on February 27, 1998; Oppositions or Comments on Direct cases were to be filed on March 16, 1998; and Rebuttals were due on March 23, 1998.³

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- ¹ In the Matter of Tariffs Implementing Access Charge Reform, CC Docket No. 97-250, BellSouth Motion to Strike, March 27, 1998 ("BellSouth Motion").
 - ² Order Designating Issues for Investigation and Order on Reconsideration (DA 98-151), released January 28, 1998, ("Designation Order"), para. 2.
 - ³ *Id.*, para. 103.

BellSouth acknowledges that GSA's Rebuttal Comments were submitted on March 23, 1998, which was the designated submission date for Rebuttal pleadings.⁴ BellSouth contends, however, that GSA's comments should have been filed March 16, 1998, because GSA stated that it was "respond[ing] to the direct cases submitted by carriers."⁵ In other words, GSA's Rebuttal Comments should have been submitted as "Comments on Direct Cases."

GSA respects the need to adhere to pleading cycles and other filing requirements established by the Commission. It appears in this case that GSA's March 23 filing should have been made on March 16, as BellSouth contends. GSA waited to submit its comments in the Rebuttal round so that it could address submissions by all carriers and other parties in a single pleading.⁶ At that time, GSA believed that filing of this pleading on March 23, 1998 was consistent with the Commission's directives. However, as BellSouth points out, the Designation Order specified that rebuttal to Direct cases was to be styled as Oppositions or Comments (not as Rebuttal) and filed on March 16 (not March 23). The Designation Order reserves the March 23 filing date for "companies" — presumably the carriers submitting Direct Cases — to address the March 16 pleadings by other parties.

GSA regrets any inconvenience it may have caused the Commission and other parties. We respectfully request that GSA's comments, nevertheless, be considered by the Commission. Those comments are not duplicative of any other party in this proceeding, and they reflect a perspective — that of an end user of interexchange and local exchange services — that has not been much in evidence in this proceeding.⁷

⁴ BellSouth Motion, p. 2.

⁵ *Id.*, citing GSA Rebuttal Comments, p. 2.

⁶ GSA notes that about 15 parties, including seven incumbent local exchange carriers, filed "Oppositions" or "Comments" on Direct Cases in the March 16, 1998 round.

⁷ GSA was the only end user to submit comments in any of the three rounds of these proceedings.

At the same time we agree with BellSouth's call for an opportunity to address GSA's points and therefore we agree with the alternative suggested by BellSouth that other parties be afforded an opportunity to respond to GSA's pleading.


Conclusion

GSA urges the Commission to accept GSA's Rebuttal Comments and to consider the views and recommendations contained in that pleading in rendering its decisions in this proceeding.

Respectfully submitted,

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